

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF030015	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/51033	International filing date (day/month/year) 17.12.2003	Priority date (day/month/year) 02.01.2003
International Patent Classification (IPC) or both national classification and IPC G06F17/30		
Applicant THOMSON LICENSING S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability


IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 01.07.2004	Date of completion of this report 16.03.2005
Name and mailing address of the international preliminary examining authority:  <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 </div>	Authorized Officer Fournier, C Telephone No. +31 70 340-3842



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/51033

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/EP 03/51033**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-3, 5, 7-15, 17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: INOUE S ET AL: "IMAGE FILING SYSTEM CAPABLE OF QUICK RETRIEVAL"
NHK LABORATORIES NOTE, NHK TECHNICAL RESEARCH
LABORATORIES. TOKYO, JP, no. 328, 1 February 1986 (1986-02-01), pages
1,3-12

**2. The present application does not meet the criteria of Article 33(1) PCT, because the
subject-matter of claims 1,2,3,5,7-15 and 17 is not new in the sense of Article 33(2)
PCT.**

**2.1 The document D1 discloses (the references in parentheses applying to this
document):**

- a process for access to multimedia elements (referred to as '*photos*', '*pictures*' or
'*images*' in D1, first paragraph) stored by means of digital data, an image ("index
images", page 10, line 14-18) being associated with each element so as to control
access to the latter, such that:

- a first group of images associated with first elements is displayed (fig. 8 top-left
picture) and

- a second group of images associated with second elements, which group is distinct
from the first group of images are displayed when one of the displayed images is
selected (page 12, lines 7-8, fig.8).

It is noted that in D1, representative images for each group are generated as
thumbnails from some stored photographs for quick browsing (page 7, paragraph 4).
Although chosen as representative images, these thumbnails are implicitly associated
with accessible elements (i.e. the original images the thumbnails are derived from),
so that an image is literally associated with each element of the database.

It is further known that multimedia elements can be of different type comprising texts, video and/or images. D1 refers to images only. These constitute nevertheless multimedia elements.

As shown in Figure 8, D1 clearly shows that distinct group of (representative) images are displayed after each selection.

The subject-matter of independent claim 1, known from D1, does not meet the requirements of novelty of Art. 33(1) and (2) PCT.

- 2.2** Furthermore, D1 discloses pointing at an image of the second group allowing the display of a further third group (see fig.8 and page 12, lines 7-8).

According to D1's process, when performing a retrieval task (*considered to correspond to activating means for displaying images*), index images corresponding to a first group are automatically displayed (page 7, §4, lines 1-2, fig. 8). It is further possible during retrieval to display control icons (page 10, lines 14-18, fig. 8).

Moreover, D1's multimedia elements (images) have a group relationship (page 10, line 36 to page 12, line 5) such that images associated with elements belonging to the same group ("brothers") are displayed in a group, thereby performing the display of the images according to a thematic mode.

When browsing the collection according to D1, the representative images displayed at each step correspond to elements in a group sharing a common theme.

The index images of D1 are generated (fig.2, page 5, lines 1-2 and lines 14-19) from the original photographs (page 1, line 3) to be filed.

Dependent claims 2, 3, 5, 7-12 are therefore also failing to fulfill the requirements of novelty of Art. 33(1) and (2) PCT.

- 2.3** Corresponding novelty objections apply *mutatis mutandis* to devices of claims 13-15 and 17 to the extent that they contain identical or similar subject-matter to the process claims dealt with above and that D1 discloses a corresponding device supporting the process as discussed ("Image filing system", title).

3. Dependent claims 4, 6 and 16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(1) and (3) PCT).

4. Miscellaneous

4.1 Independent claim 1 seems to belong to the process claim category so that the steps of the process should be clearly defined.

In particular, non-technical expressions like '*when one wishes*' cast a doubt as to what the technical steps of the claimed process are, rendering the subject-matter for which protection is sought unclear, this in contradiction with Art. 6 PCT.

Claims 1 and 3 refer to '*means for displaying*'. It is unclear from the wording of the claims whether these means are the same or not (Art. 6 PCT).

C. Fournier